

PROCEEDINGS OF THE CITY PLANNING COMMISSION

October 21, 2016

Regular Meeting

A regular meeting of the City Planning Commission was held this day at 9 A.M. in the J. Martin Griesel Room of Two Centennial Plaza with the following members present: Chair Daniel Driehaus, Vice Chair John Schneider, Mr. Byron Stallworth, Assistant City Manager John Juech, Dr. Rainer vom Hofe, and Councilmember Amy Murray. Absent was Mr. Ronald Koettters.

Also in attendance were Mr. Marion Haynes, legal counsel, and Department of City Planning staff: Mr. Charles Graves, Mr. Jared Ellis, Ms. Rachel Culley, Mr. Felix Bere, Mr. Alex Peppers, and Ms. Bonnie Holman.

Mr. Driehaus called the meeting to order and asked everyone to join in the Pledge of Allegiance.

The Commission approved the last two prior meeting's minutes (September 30, 2016 and October 7, 2016).

Mr. vom Hofe made the motion, which Mr. Juech seconded.

Aye: Mr. Juech, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, Mr. Schneider, and Mr. Driehaus.

Mr. Schneider requested that Item 5 be moved to the Discussion Agenda.

The Commission approved moving Item 5 to the Discussion Agenda.

Mr. Schneider made the motion, which Mr. vom Hofe seconded.

Aye: Mr. Juech, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, Mr. Schneider, and Mr. Driehaus.

Consent Agenda - Legislative

Item 1 was a report and recommendation on a proposed easement in the public right-of-way at 954 Hill Street in Mt. Adams. Department of City Planning staff recommended approval.

Item 2 was a report and recommendation of a sale of City-owned properties located at 1512, 1514, 1516, 1518, and 1520 Republic Street in Over-the-Rhine. Department of City Planning staff recommended approval.

Item 3 was a report and recommendation on a lease with GDS FBO, LLC, an Ohio limited liability company and affiliate of AirTech for a portion of Lunken Airport known as Area 50 in the East End. Department of City Planning staff recommended approval.

Item 4 was a report and recommendation on the sale and vacation of Linwood Alley located on the east side of Linwood Avenue adjacent to 3156 and 3162 Linwood Avenue in Mt. Lookout. Department of City Planning staff recommended approval.

The Commission adopted staff's recommendations for Items 1, 2, 3, and 4 on the Legislative Consent Agenda.

Mr. vom Hofe made the motion, which Mr. Juech seconded.

Aye: Mr. Juech, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, Mr. Schneider, and Mr. Driehaus.

Consent Agenda – Quasi-Judicial

Item 6 was a report and recommendation on a proposed illuminated wall sign on the structure located at 2813 Gilbert Avenue within Interim Development Control Overlay District No. 78, Walnut Hills Interchange Impact Area, in Walnut Hills. Department of City Planning staff recommended that the City Planning Commission take the following actions:

1. **ADOPT** the Department of City Planning staff findings that the permit application conforms to the application review guidelines for Interim Development Control Overlay District No. 78, Walnut Hills Interchange Impact Area, and meets the standards set forth in Cincinnati Zoning Code Section 1431-17, Standards for Review, as discussed on pages one to three (1-3) of the staff report; and,
2. **APPROVE** the proposed illuminated wall sign on the structure located at 2813 Gilbert Avenue within Interim Development Control (IDC) Overlay District No. 78, Walnut Hills Interchange Impact Area, in Walnut Hills.

Item 7 was a report and recommendation on a proposed change in use and site improvement at 842 Lincoln Avenue within Interim Development Control (IDC) Overlay District No. 78, Walnut Hills Interchange Impact Area, in Walnut Hills. Department of City Planning staff recommended that the City Planning Commission take the following actions:

1. **ADOPT** the Department of City Planning staff findings that the permit application conforms to the application review guidelines for Interim Development Control Overlay District No. 78, Walnut Hills Interchange Impact Area, and meets the standards set forth in

Cincinnati Zoning Code Section 1431-17, Standards for Review, as discussed on pages two to four (2-4) of the staff report; and,

2. **APPROVE** the proposed change in use and site improvement at 842 Lincoln Avenue within Interim Development Control (IDC) Overlay District No. 78, Walnut Hills Interchange Impact Area, in Walnut Hills.

The Commission adopted staff's recommendations for Items 6 and 7 on the Quasi-Judicial Consent Agenda.

Mr. vom Hofe made the motion, which Ms. Murray seconded.

Aye: Mr. Juech, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, Mr. Schneider, and Mr. Driehaus.

Discussion Agenda

Ms. Culley presented **Item 5**, a report and recommendation on the proposed sale of City-owned property at 518-520 E. 12th Street in Pendleton to 518 E. Twelfth Street, LLC. Department of City Planning staff recommended approval.

Ms. Myra Greenberg, of 1324 Broadway Street, stated that a petition that was circulated, opposing the sale of the City-owned pocket park at 518-520 E. 12th Street in Pendleton, was the accurate expression of the wishes of the community. She presented copies of past letters from the Pendleton Neighborhood Council (PNC) that she said proved that no notice was given prior to the presentation of the potential parking lot to the PNC and vote to approve the project.

Ms. Murray asked Ms. Greenberg if she lived in the Pendleton or Over-the-Rhine (OTR) neighborhood. Ms. Greenberg stated that she lived in both and was a member of both Community Councils. She added that she felt that the OTR had a better idea of historic laws.

Mr. Juech stated that the City Manager asked Mr. Steve Pacella to attend the City Planning Commission meeting to provide a timeline of events related to this matter.

Mr. Pacella, Superintendent of the Cincinnati Recreation Commission, stated that the City received notice of the project in August 2014, and received a letter of support from the PNC in September of 2014. In May of 2015, based on the support of the PNC, documents for the sale of property were prepared.

Mr. Schneider asked the locations of the closest park to 518-520 E. 12th Street. Mr. Pacella responded that the Spring Street Playground was located 1 ½ blocks East. He added that the playground had recently been renovated and upgraded. Mr. Schneider asked Mr. Pacella his view

on crime in and around the pocket park. He responded that crime rates improved when there was support from the community and worsened during times of less support. There was also an ongoing problem of dog droppings and trash dumping at the park. He said there were no activities held at the park and that the Recreation Commission did not have funding for improvements.

Ms. Murray asked the distance to the newly improved and updated Ziegler Park. Mr. Alex Peppers, Senior City Planner, provided a map illustrating the distance. Mr. Dan Jones, Engineer with the Cincinnati Recreation Commission, explained the vast improvements to Ziegler Park and Mr. Peppers provided photos.

Mr. Andrew Salzbrun, of 518 E. 12th Street, LLC, and resident of 522 E. 12 Street, adjacent to the pocket park, stated that he had started working on the purchase of the property at 518-520 E. 12th Street two years ago. He said that he purchased 522 E. 12 Street, which was a foreclosed property and renovated it for his residence. He commissioned a mural and lighting for the side of his building, facing the park, for \$13,000. He said he was the Vice President of the PNC and was excited to see increased development in the neighborhood. He explained the limited parking situation in the neighborhood and explained the importance of line-of-sight parking. He said he tried to be transparent in his plans for the parking lot and the PNC voted twice in favor of his project. He asked the City Planning Commission to vote in favor of the sale of property.

Mr. vom Hofe asked what the monthly rent for the parking spaces. Mr. Salzbrun responded that they would be \$75 per month for nine spaces, totaling \$3000 for operating the lot.

Ms. Tabatha Anderson, President of the Pendleton Neighborhood Council, said that when Mr. Salzbrun asked to speak at the PNC, she added him to the agenda and his project was approved by an 11-1 vote of members. She said that the PNC has approximately 60 members and that although they are all invited to the meetings, many do not attend. A second vote was held because Ms. Greenberg complained of the lack of notice for the first vote. The second vote approved the project 8-4. She said that the four members against the project then went to the OTR Community Council and complained and asked for a vote of their members. Ms. Anderson stated that she does not generally support removing greenspace but the park was not used by neighborhood children, had no equipment and was frequented by criminals and drug users. She said nine parking spaces would help alleviate some of the parking issues.

Mr. Schneider said that there was a conflict between the PNC votes to support the project and the petition against the proposal. Ms. Anderson responded that there were some preservationists that did not want change and others that wanted to change things to help the community's needs. She said that people choose not to participate. If people want their views to count, they need to be part of the official process. The problem with every Community Council is that people do not go to

the meetings. Both the PNC and the OTR Community Council had votes on the project on the same day it was added to the agenda.

Ms. Murray said that she attends most Community Councils and she appreciated that the PNC had a strong contingency of people that were really passionate about their neighborhood. People have the options to attend their Community Council meetings. She said she felt it was a problem that another Community Council weighed in on the other Council's business. Parking is needed in Pendleton and they are fortunate to have other nearby parks. She said she was comfortable with and supported the PNC's decision.

Mr. Juech said he saluted Ms. Anderson and the City frequently worked with the PNC. He said the PNC brought issues to the City Manager's office and he trusted Ms. Anderson's credibility.

Mr. vom Hofe questioned the number of residents in the Pendleton neighborhood versus the 125 signatures on the petition. He asked how many of the signatures were from Pendleton residents and how many from OTR residents. Ms. Anderson stated that she had only recently seen the petition and that only some signatures were Pendleton residents.

At 10:05 A.M. Mr. Driehaus left the meeting and Mr. Schneider took over as Chair.

Mr. Jack Weston, of 1335 Pendleton Street and member of the PNC, stated that the OTR Community Council did not have all of the information on the proposed sale of 518-520 E. 12th Street and most likely did not understand the dynamics. He said he voted for approval of the projects at both PNC meetings. He said parking was a huge issue in the Pendleton neighborhood and the pocket park had blind spots that provided an area for drug use. He said he felt that there was no way 125 Pendleton residents signed the petition.

Mr. Steve Smith, CEO of Model Group, said their mission was to positively transform the neighborhood. He said he attended many PNC meetings and that Ms. Anderson was a great President. His company had invested over \$30 million in the neighborhood and brought in new businesses and residents. He said parking was the most limiting factor to development in the area. Taking nine cars off the street was a huge benefit to the neighborhood. Mr. vom Hofe asked about the parking garage at Ziegler park. Mr. Smith explained that line-of-sight parking was most important.

Mr. Greg Olson, CEO of Urban Sites, said he agreed with Mr. Smith. He said his company had invested \$70 million in the Pendleton and OTR neighborhoods. He said the official process was followed by Mr. Salzbrun. It is not right for people to try to circumvent the process if they do not get their way. He reiterated that line-of-sight parking was important and that the neighborhood

had an adequate number of nearby parks. He said he was not a partner with Mr. Salzbrun, but that he highly respected him.

Mr. Schneider asked about the security planned for the parking lot. Mr. Salzbrun responded that he would remove the old wooden fences and provide secure fencing on three walls, with a gated fence for vehicular access. It would be well lit, have security cameras and do some plantings. Mr. Schneider asked if the plantings would be required. Mr. Haynes responded that the Historic Conservation Board would have to approve the final designs for the parking lot, since it was in a historic district.

At 10:20 A.M. Mr. Schneider called a recess to review recently received documents. At 10:40 A.M. the meeting reconvened.

Mr. Schneider asked Ms. Anderson if all members of the PNC were Pendleton residents. Ms. Anderson stated that all members were residents except her. She said that she owned property in the Pendleton neighborhood and that the residency rule was officially waived for her when she was voted in as President. She said that she was unopposed for President in the upcoming PNC election. Mr. Schneider noted that there were non-residents that signed the petition. Ms. Anderson said that the two votes held to approve the sale of 518-520 E. 12th Street were by residents only and her.

Mr. vom Hofe questioned the necessity of parking with the large Jack Casino parking garage nearby. He said nine parking spaces would not help the parking problems in the neighborhood. Ms. Anderson responded that the new Jack Casino management was eliminating free parking.

Mr. Juech said that there were multiple compelling viewpoints and thanked all who testified. He stated that sometimes problems were created by good things happening in a neighborhood like development and renovation. He said that he did not think nine parking spaces would solve the parking problems in Pendleton but that the project was brought to the City with the support of the PNC. He said he was supporting the staff recommendations and the voice of the PNC.

Ms. Murray said she listened to all the testimony and supported the project for two reasons. First, the park was littered with trash, needles, and dog droppings and had poor lighting. Secondly, parking is needed in the neighborhood and there is enough greenspace nearby. She said her office received no calls opposing the project.

The Commission adopted staff's recommendations for Items 5 on the Discussion Agenda.

Ms. Murray made the motion, which Mr. Juech seconded.

Aye: Mr. Juech, Ms. Murray, Mr. Stallworth, and Mr. Schneider.

Nay: Mr. vom Hofe.

Director's Report

Mr. Graves stated that on Friday, October 14, 2016 Findlay Market received the National American Planning Association Great Places Award. The Vice Mayor David Mann attended and thanked City Staff for putting together the application. The event was well attended.

Mr. Graves announced that last week the City Council approved the West End Speaks Plan and the University Impact Area Solutions Study (UIASS). He thanked staff for their efforts on the plans. He said that the UIASS now had over 100 action steps to be completed.

Mr. Stallworth asked if the UIASS could be presented nationally. Mr. Graves responded that it had been presented with two other Universities at the National American Planning Association (APA) Conference in April 2016. He added that they would nominate the UIASS as best practice to the APA for a national award.

Ms. Murray announced that there would be an educational meeting regarding zoning and lot splits at the Oakley Recreation Center on Monday, October 24, 2016, at 6:30 PM. Mr. Juech thanked Ms. Murray for her leadership on this matter.

Mr. Schneider mentioned the issue of bus benches that was brought before the Cincinnati City Council on October 19, 2016. He suggested that this issue could bring people together and with the use of urban design, make something we are proud of. He questioned the necessity of only transit required to use advertising. Mr. Juech responded that he appreciated Mr. Schneider's comments and that his office was working on a win-win solution. He said broken benches were removed only on the behest of residents. He said to let his office know if benches were needed.

The meeting adjourned at 11:41 A.M.



Charles C. Graves, III, Director
Department of City Planning

Date: 11/4/16



Daniel DrieHaus, Chair
City Planning Commission

Date: 11/4/16